REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-5 are pending and stand rejected.

Claims 1 and 5 are independent claims.

Claims 1 and 5 have been amended.

Claims 1-3 and 5 stand rejected under 35 USC 102(b) as being anticipated by Endecott (WO 02/095574). Claim 4 stands rejected under 35 USC 103(a) as being unpatentable over Endecott in view of Ricciulli (USPPA 2004/0202190).

With regard to the rejection of claims 1-3 and 5, applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

In maintaining the rejection of the claims the Office Action argues that at least applicant's argument that Endecott's instructions are not comparable to the packets disclosed in the instant invention is not persuasive as "Endecott [sic] instructions [are] constructed as 8-bit wide (word) and 4 words deep (32 bits per instruction), the applicant of the current application describes the packet in [the] specification [on] page 4, lines 32-33 as 'the packets are each 8-bit wide and 3 words deep. However, other bit widths and word depths are also possible.'" (see OA, page 2, section 2).

In addition, the Office Action in comparing the elements of the claims to the teachings of Endecott states "... wherein each packet (instruction) comprises a first predetermined number of subsequent words (instructions as shown in page 3 consist of 32 bits and 4 words of 8 bits. Page 7 shows input/output instruction as eight bits long for sake of simplicity of the explanation...") (see page 4, lines 6-9).

Hence, the Office Action has referred to the instructions disclosed by Endecott as being comparable to the packets disclosed in the instant application,

by defining the instructions as being divided into bytes and the number of bytes within the instruction representing the depth (size) of the packet. Thus, according to the definition of packets presented by the Office Action the 8-bit instructions shown on page 7 may be considered packets of one word or may be packets of size two with a 4-bit word size.

However, if this definition of the instructions is correct, then Endecott teaches a system wherein unused bits are replaced with bits from a different packet and not from the same packet, as is recited in the claims.

For example, with regard to the example shown on page 4, including three instructions A, B, C, according to the definition of packets presented in the Office Action, each of these instructions may be represented as:

A   A1, A2, A3, A4

B   B1, B2, B3, B4

C   C1, C2, C3, C4.

Wherein the first packet (A1, B1, C1) represents the first 8 bits of the respective instruction;

the second packet (A2, B2, C2) represents the next 8 bits of the respective instruction, etc.

The example shown on page 4, illustrates that the first five bits of the third packet of the B instruction (B3) are unused and, may then be set to corresponding values of the preceding A instruction (i.e., 5 bits of A3).

However, this replacement of the unused bits of B3 with bits from A3 represents the use of bits of a different packet as the A3 word is not contained within the B packet (B1, B2, B3, B4).

Thus, rather than teaching the replacement of unused bits with bits from the same packet, Endecott, in accordance with the definition of packets imposed in the Office Action, explicitly teaches using bits from words in other packets to

replace unused bits in a particularly packets.

Thus, according to the definition of packets imposed in the Office Action, the unused bits in B3 would have to be replaced by bits from either words B1, B2 or B4, to satisfy the amended claim element "for matching said not required bits in a header of said at least one inspected packet related to a path over said interconnect with <u>corresponding bits from another word</u> ~~bits related to said path~~ **of the same packet**." (emphasis added).

The example shown on page 7, wherein each instruction is composed of two (2) word packets where each word is 4 bits, also illustrates the replacing of unused bits with bits from a different packet and not from the same packet.

Even if each instruction shown on page 7 is a packet size of 1 (8 bit word), then Endecott illustrates that the bits of one packet are used to replace bits of another packet.

Hence, assuming that the definition of packets, as imposed by the Office Action, is correct, then Endecott cannot be considered to anticipate the subject matter recited in the claims, as Endecott fails to disclose the replace of unused bits from bits within the same packet, as is recited in the claims.

For the remarks made herein, applicant submits that the reason for the rejection of the claims has been overcome.

Notwithstanding the arguments presented above, claims 1 and 5 have been amended to express the subject matter claimed as the invention in better form. More specifically, the claims have been amended to recite the matching of unused bits with corresponding bits of another word with the same packet. No new matter has been added. Support for the amendment may be found at least in

Figure 2B.

With regard to the rejection of claim 4 as being unpatentable over Endecott in view of Ricciulli, applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

Claim 4 depends from claim 1, which has been shown to include subject matter not disclosed by Endecott, and Ricciulli fails to provide any teaching to correct the deficiency found to exist in Endecott.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitation. However, the Court in *KSR v. Teleflex* (citation omitted) has held that the teaching, suggestion and motivation test (TSM) is merely to be used as a helpful hint in determining obviousness and a bright light application of such a test is adverse to those factors for determining obviousness enumerated in the *Graham v. John Deere*(i.e., the scope and content of the prior art, the level of ordinary skill in the art, the differences between the claimed invention and the prior art and objective indicia of non-obviousness) (citation omitted).

In this case, the combination of Endecott and Ricciulli fails to disclose a material element recited in the claims and, hence, the combination of Endecott and Ricciulli cannot render obvious the subject matter recited in claim 4.

For the amendments made to the claims and for the remarks made, herein, applicant submits that the reason for the rejection of the claims has been overcome and respectfully requests that the rejection be withdrawn.

Applicant denies any statement, position or averment stated in the Office Action that is not specifically addressed by the foregoing. Any rejection and/or points of argument not addressed are moot in view of the presented arguments and no arguments are waived and none of the statements and/or assertions made in the Office Action are conceded.

For the amendments made to the specification and for the remarks made herein, applicant submits that all the objections and rejections have been overcome and that the claims are in a condition for allowance. It is respectfully requested that a Notice of Allowance be issued.

No fees are believed necessary for the timely filing of this paper. However, the Examiner is authorized to charge Deposit Account No. _____, if any fees are necessary.

Should the Examiner believe that the disposition of any issues arising from this response may be best resolved by a telephone call, the Examiner is invited to contact applicant's representative at the telephone number listed below.

Respectfully submitted,
Michael E. Belk, Reg. No. 33357

Date: January 4, 2010

/Carl A. Giordano/

By: Carl A. Giordano
Attorney for Applicant
Registration No. 41,780

Mail all correspondence to:
Michael E. Belk, Esq.
US PHILIPS CORPORATION
P.O. Box 3001

Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9643
Fax: (914) 332-0615

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being
[   ] Electronically transmitted to the US Patent Office using the currently available EFS system;
[   ] Transmitted by facsimile to 571 273 8300;
[   ] Placed with the US Postal Service with First Class postage attached to the address indicated above;
on January _____, 2010.

_____   _____
         Print Name   Signature